



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

NOV 21 2000

400 Seventh Street, S.W.
Washington, D.C. 20590

Mr. Samuel S. Elkind
Corporate Hazardous Materials Compliance Manager
United Parcel Service
8203 National Turnpike
Louisville, KY 40214

Ref. No. 00-0321

Dear Mr. Elkind:

This is in response to your letter of November 14, 2000 concerning use of packages of non-hazardous materials to secure packages of hazardous materials in a motor vehicle.

Within the Hazardous Materials Regulations (Title 49, Code of Federal Regulations, Parts 171-180), 49 CFR 177.834(a) requires that packages of hazardous materials be secured against movement within a motor vehicle. This requirement is intended to prevent damage to packages due to shifting or falling under conditions normally incident to transportation.

You are correct in your understanding that other packages may be used to secure and brace packages of hazardous materials. Specific means for securement of packages are not specified in the regulations; any means of securement which ensures that the packages do not shift or fall, including the long-standing industry practice of securing packages with other packages, is acceptable for meeting this performance requirement. Based on the photographs which you submitted to us (copies enclosed), the packages of hazardous materials appear to be adequately secured against movement by other freight in conformance to the requirements of 49 CFR 177.834(a).

Use of other packages for securement has been addressed in a number of other letters from this office, one of which is enclosed. This and other letters of clarification are available through our website at <http://hazmat.dot.gov> or by writing to this office.

I trust this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Edward T. Mazzullo
Director, Office of Hazardous Materials Standards

Enclosures



00-0321

177.834



~~§ 177.834(a)~~
~~Ref. No. 00-0320~~

November 14, 2000

Mr. Edward Mazzullo
Director, Office of Hazardous Materials Standards
Research & Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, SW - DHM-10
Washington, D.C. 20590

Re: Blocking and Bracing of Hazardous Materials - 49 CFR 177.834

Dear Mr. Mazzullo:

UPS has been named as a respondent in a hazardous materials transportation enforcement action instituted by the San Diego City Attorney's office. A central issue in that case is the propriety of UPS's use of non-hazardous packages to secure hazardous materials packages in a UPS package car.

Enclosed for your review are two copies of photographs furnished to UPS by the San Diego City Attorney's office that show the hazardous materials packages at issue in this case. For your convenience I have provided certain annotations on one copy of these photographs. I write for your confirmation of UPS's understanding that the three hazardous materials packages depicted in the enclosed Photographs 1 and 3 are secured in a manner that does not constitute a violation of the U.S. Department of Transportation's Hazardous Materials Regulations (HMR).

As you will note, the enclosed photographs show three hazardous materials packages. Photographs 1 and 3 depict the packages as they appeared at the time the package car was stopped by the California Highway Patrol. Photograph 1 shows that one package was loaded on the right side of the vehicle, while Photograph 3 shows that the other two hazardous materials packages were loaded on the left side of the vehicle. Both pictures depict non-hazardous packages situated around the hazardous materials packages. We understand that the non-hazardous packages that were being used to secure the hazmat packages were moved in Photographs 2 and 4 in order to make clear pictures of the hazardous materials packages.

In light of your office's previous statements that other freight may be used to secure hazardous materials packages in a motor vehicle, UPS understands that the securement of the hazardous materials packages shown in Photographs 1 and 3 does not constitute a violation of the HMR. However, since this case is fact-specific, I would appreciate receiving your confirmation of UPS' understanding that the load, as shown in Photographs 1 and 3, does not constitute a violation of the HMR.